

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
*SPRINGFIELD DIVISION***

ANGELENE HARDAWAY,

Pro Se,

Plaintiff,

Case No: 1:11cv10777-

v.

**AHOLD U.S.A., INC.;
STOP & SHOP/GIANT-LANDOVER;**

Defendants.

Service:

Resident Agent: CORPORATION SERVICE COMPANY
84 STATE ST
Boston, MA 02109

CORPORATE OFFICE
1385 Hancock St.,
Quincy, Massachusetts 02169.

COME NOW, the Plaintiff Angelene Hardaway for the cause of action against the Defendants herein, state as follows:

THE PARTIES

1. Plaintiff Angelene Hardaway resides 113 Hollow Brook Rd. Windsor, in the State of Connecticut.
2. On information and belief, Defendant Ahold U.S.A., Inc. is a Massachusetts Corporation with its principal place of business at 1385 Hancock Street, Quincy Center Plaza, Quincy, Massachusetts 02169.
3. On information and belief, Defendant Stop & Shop/ Giant-Landover is (a) a Massachusetts Corporation with its principal place of business at 1385 Hancock Street, Quincy Center Plaza, Quincy, Massachusetts 02169, and (b) a subsidiary of Ahold U.S.A., Inc.

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U.S. DISTRICT COURT
DISTRICT OF MASS.

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JURISDICTION AND VENUE

4. Ahold U.S.A., Inc., and Stop & Shop/ Giant Landover (collectively, the "Ahold Defendants") are subject to this Court's personal jurisdiction because, on information and belief, (1) they are Massachusetts corporations and/or have designated a registered agent in this district; (2) they do Substantial business in this district; (3) they operate infringing automated call processing systems for pharmacy and prescription refill services and job opportunities available to their customers and to potential employees, including customers and potential employees in this district; and/or (4) they regularly solicit business from, do business with, and derive revenue from goods and services provided to, customers in this district.

5. That the amount in controversy exceeds \$75,000 and the Plaintiff is entitled to relief based on Diversity of Citizenship.

STATEMENT OF FACTS

6. Plaintiff Angelene Hardaway was a regular customer at the Blair's Giant foods located at 1280 East -West Hwy, Silver Spring, MD 20910. It's was not uncommon for the Plaintiff to make a couple of trips to the market in one day, because Giant Foods is connected to her apartment building - located at the Blair's 1220 East West Hwy Silver Spring MD 20910. (Where Plaintiff was living...at the time of the accident.) On Friday September 11, 2009, around 11:35 am, Plaintiff legally and lawfully went into the Giant Foods to purchase a jar of mayonnaise. This Giant Foods has a Starbucks and, customer service center in the middle of the store causing congestion - forcing the Plaintiff to cut thru the produce area. Plaintiff headed to aisle 1 where the mayo is located- while walking the path towards the mayo. Plaintiff slip feet first into the air!- her head slam hard to the ground!- her back slam hard to the ground! Two male customers immediately came to her assistance to help her up. One of the male customers who was wearing a Howard University hat said "the employee did not do a good job mopping the area" and

pointed back where there was a wet floor sign two aisles behind plaintiff. Plaintiffs noticed the residue of the wet floor leading from where she fell toward wet sign. Plaintiff notice her hands and butt was slightly wet. One of the store employee who saw the Plaintiff on the floor - immediately move the wet floor sign where Plaintiff fell. (None of the employees asked the Plaintiff if she was alright.) **It would be unreasonable for defendants to assume plaintiff could see the wet floor sign coming from the produce's area, because of the height of the produce stands that blocks the view of the wet floor sign and the 10 feet distance (As shown in Diagram 1)**

7. Plaintiff who owned a Subway Franchise in New York City knows when she invites people into her place of business. She had a duty to keep them safe from all hazard. (While she was a restaurant owner, she always made sure when she or her employees mop the floor there was always a wet floor sign at the beginning and the end of the wet area to insure customer's safety.) About an hour after her fall, she start feeling worse. Plaintiff and her sister went to Giant foods to take pictures. Plaintiff was shocked to see a difference in Giant Foods. The management team must have saw the accident because Giant Foods reacted by placing over 10 wet floor sign around the entrance of the store and where Plaintiff fell. **(As shown in Diagram 1)** Plaintiff never saw so many wet floor signs in Giant Foods before her fall.

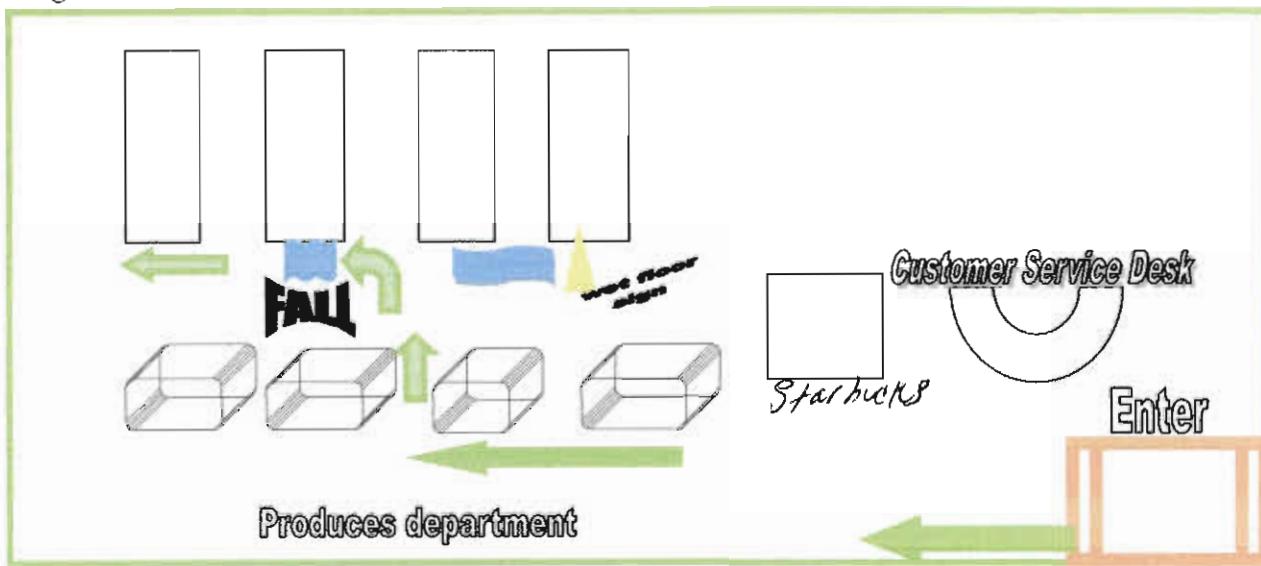
8. Later around 1:30 pm, The Plaintiff stated to her sister, "The pain keeps getting worse, around my neck, head and lower back." "The pain was a radiating down my back." Plaintiff could not move my neck and was having strong painful headaches. Plaintiff sister took her to Doctor Chang office because the pain was so severe. (Dr Chang office was the fastest way to get treatment because its only a minute away from Plaintiff apartment.) Dr Chang ran test and prescription therapy and pain pills. Over the weekend, Plaintiff experience extreme pain and called her doctor on Monday morning. Dr Chang prescribed Plaintiff with a stronger pain medication called "Cyclobenzaprine". Two hours later Plaintiff started physical therapy. Plaintiff been in treatment every since the accident.

- Plaintiff treatment schedule is 3 times a week for 2 hours a day.
- Plaintiff treatments consist of electrical stimulation therapy and other therapy. Plaintiff is taking anti-inflammatory medication.
- Plaintiff also saw an orthopedic doctor and a physical medicine doctor.
- Plaintiff daily life has been altered since the accident.
- Plaintiff quit college two months after the fall because she could not continue because of the severe pain and treatment.
- Plaintiff could not due day to day activities. Plaintiff sister had to take over the Plaintiff normal duties including, cooking, cleaning, grocery shopping, running errands, and other daily activities.
- Plaintiff could no longer exercise daily or go to martial arts class. Plaintiff gained over 50 pounds since accident.
- Defendant is currently failing to maintain a safe condition for customers. (**Documented in Exhibit A**)

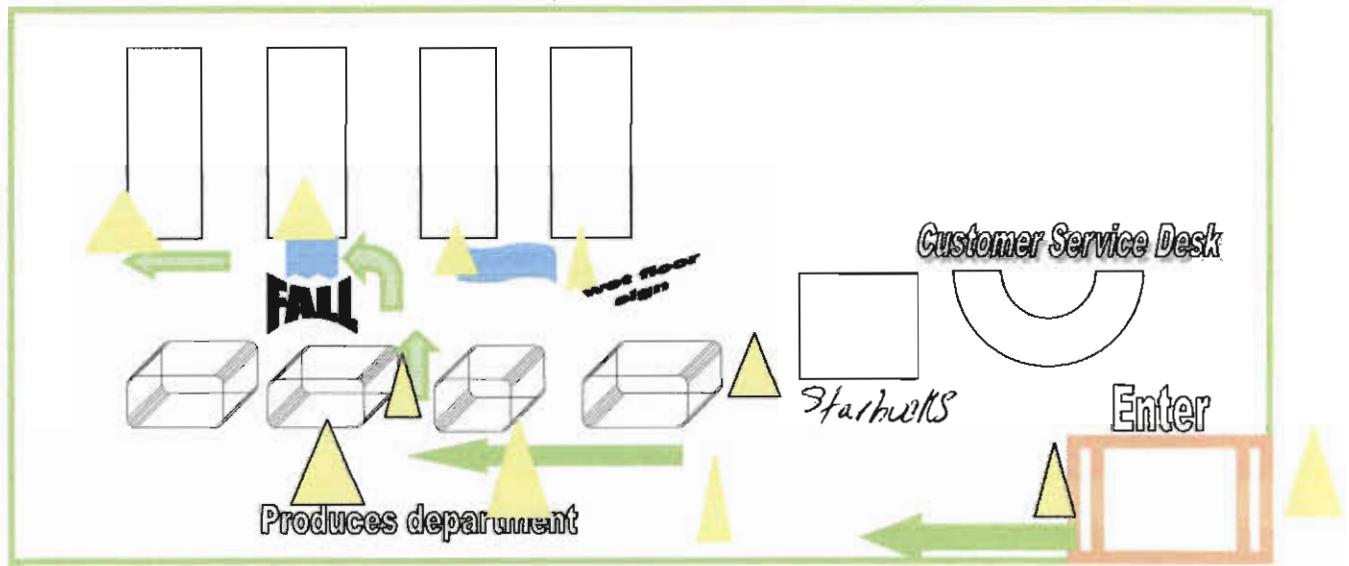
9. Notwithstanding said duty, the defendants, by and through their agents, servants and employees, carelessly, recklessly and negligently breach said duty and thereby caused and/or permitted the Plaintiff, to suffer severe personal injuries, to suffer and continue to suffer great physical and mental pain, suffer daily horrific pain to require and in the future require medical treatments, and was and will be caused to suffer a loss of enjoyment of life.

Diagram I

Giant Foods



An hour after Plaintiff's fall, Giant Foods put out about 10 wet floor signs.



COUNT I NEGLIGENCE

10. The aforesaid accident occurred as a result of and was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendants, which consisted inter alia of the following particulars:

11. Plaintiff bought a jar of mayonnaise from Giant Foods cost \$2.49; they had a duty to properly maintain a safe shopping experience free from hazards which were recognized and should have been recognized by Defendant, causing or likely to cause the serious physical harm to the Plaintiff, and others; the hazardous condition.

12. The Defendant knew there was a hazardous condition because they had a warning sign; however warning sign was ineffective because it was block by the produce stands and needed to be more signs to cover the huge hazardous area. The warning sign was also **ineffective** because it only warn one way - while the hazard covered many entry ways. Defendant did a poor negligent job warning customers of the hazards condition having only one warning sign in one direction. Defendants breach the duty by failing to properly effectively warn Plaintiff of a known hazard.

13. Defendant also breached the duty by failing to properly maintain the store in a safe condition to insure that the Plaintiff would not be caused to slip and fall as a result of the hazardous conditions which existed and which were known and should have been known to the Defendant;

14. By failing to have a wet floor sign at the front and back of the hazard area. The Defendant was negligent in failing to properly warn customers of the dangerous condition, failed to maintain a safe shopping area, created visual diversions so that plaintiff could not observe the dangerous condition of the floor, and improperly caused her to violently slip and fall to the floor.

15. Based on defendant's negligent acts, plaintiff suffered and continues to suffer sustained serious and physical injuries which prevented her from attending to her usual duties and affairs.

16. Failing to maintain the premises owned by the Defendants in good and safe condition for the Plaintiff and others;

17. Failing otherwise to comply with the applicable laws and regulations of the State of Massachusetts and the applicable Federal laws and regulations;

18. Otherwise failing to exercise the degree of care required under the circumstances; and,

19. Otherwise being negligent.

Sample of the medical bills from September 11, 2009 to Present

**Community Clinic Inc, Suite 350,
15850 Crabbs Branch Way,
Rockville, MD 20855-0000**

Dr. Chang, Margaret Y. M.D.

09/11/09 1 Office/outpatient visit, est (99213)

Warr. Date A.	Warr. Date B.	\$142.00	\$68.80	\$29.56	\$39.24	b
09/11/09 1 Pt evaluation (99203-GP) \$185.00 977.49 \$61.00 215.50 d 09/11/09 1 Elec stim other than wound (99203-GP) 25.00 12.00 10.29 2.50 d 09/11/09 1 Manual therapy (97100-GP) 70.00 38.00 23.19 5.76 d 09/11/09 1 Self care management training (97303-GP) 20.00 22.00 22.00 5.00 d	09/12/09 1 Elec stim other than wound (99203-GP) 655.00 912.50 \$10.20 58.98 d. 09/12/09 2 Manual therapy (97100-GP) 70.00 26.91 23.13 5.78 d 09/12/09 3 Unsup therapeutic procedure 55.00 19.79 15.81 3.36 d 09/13/09 1 Therapeutic exercise (97100-GP) 70.00 26.91 23.13 5.78 d	Claim Total 6300.00 961.68 549.36 912.32	c			

Warr. Date A.	Warr. Date B.	\$142.00	\$68.80	\$29.56	\$39.24	b
09/11/09 1 Elec stim other than wound (99203-GP) \$185.00 977.49 \$61.00 215.50 d 09/11/09 1 Manual therapy (97100-GP) 70.00 38.00 23.19 5.76 d 09/11/09 1 Group therapeutic procedure (97100-GP) 25.00 12.00 10.29 2.50 d	09/12/09 1 Elec stim other than wound (99203-GP) 655.00 912.50 \$10.20 58.98 d. 09/12/09 1 Therapeutic exercise (97100-GP) 70.00 26.91 23.13 5.78 d 09/12/09 1 Manual therapy (97100-GP) 70.00 26.91 23.13 5.78 d 09/13/09 1 Claim Total 9185.00 1731.18 566.52 914.88	c				

Warr. Date A.	Warr. Date B.	\$142.00	\$68.80	\$29.56	\$39.24	b
09/11/09 1 Elec stim other than wound (99203-GP) \$185.00 977.49 \$61.00 215.50 d 09/11/09 1 Therapeutic exercise (97100-GP) 70.00 38.00 23.19 5.76 d 09/11/09 1 Manual therapy (97100-GP) 70.00 38.00 23.13 5.78 d 09/11/09 1 Claim Total 1095.00 215.00 57.00 112.00	09/12/09 1 Elec stim other than wound (99203-GP) 655.00 912.50 \$10.20 58.98 d. 09/12/09 1 Therapeutic exercise (97100-GP) 70.00 26.91 23.13 5.78 d 09/12/09 1 Manual therapy (97100-GP) 70.00 26.91 23.13 5.78 d 09/13/09 1 Claim Total 7285.00 1431.18 596.52 914.88	c				

Warr. Date A.	Warr. Date B.	\$142.00	\$68.80	\$29.56	\$39.24	b
09/11/09 1 Elec stim other than wound (99203-GP) \$185.00 977.49 \$61.00 215.50 d 09/11/09 1 Therapeutic exercise (97100-GP) 70.00 38.00 23.19 5.76 d 09/11/09 1 Manual therapy (97100-GP) 70.00 38.00 23.13 5.78 d 09/11/09 1 Claim Total 1095.00 215.00 57.00 112.00	09/12/09 1 Elec stim other than wound (99203-GP) 655.00 912.50 \$10.20 58.98 d. 09/12/09 1 Therapeutic exercise (97100-GP) 70.00 26.91 23.13 5.78 d 09/12/09 1 Manual therapy (97100-GP) 70.00 26.91 23.13 5.78 d 09/13/09 1 Claim Total 6220.00 674.20 689.42 914.88	c				

4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT						Great Hands Inc, Suite 206, 4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT					
12/01/09	1.0 Elec stim other than wound (G0233-GPKX)	\$55.00	\$12.68	\$10.30	\$2.58	12/15/09	1.0 Elec stim other than wound (G0233-GPKX)	\$55.00	\$12.68	\$10.30	\$2.58
12/01/09	1.0 Ultrasound therapy (97035-GPKX)	\$5.00	12.70	10.16	2.54	12/15/09	1.0 Manual therapy (97140-GPKX)	70.00	28.91	23.13	5.78
12/01/09	1.0 Therapeutic exercises (97110-GPKX)	\$5.00	21.36	25.09	6.27	12/15/09	Claim Total	\$125.00	\$41.79	\$33.43	\$8.36
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Claim number 11-09341-013-213 Great Hands Inc, Suite 206, 4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT						Claim number 11-09348-006-423 Great Hands Inc, Suite 206, 4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT					
12/01/09	1.0 Elec stim other than wound (G0233-GPKX)	\$55.00	\$12.67	\$10.36	\$2.58	12/01/09	1.0 Range of motion measurements (98631-GP)	\$60.00	\$19.16	\$0.00	\$19.16
12/01/09	1.0 Ultrasound therapy (97035-GPKX)	\$5.00	12.70	10.16	2.54	12/01/09	1.0 Hand muscle testing, manual (98331-GP)	60.00	29.21	0.00	29.21
12/01/09	1.0 Therapeutic exercises (97110-GPKX)	\$5.00	21.36	25.09	6.27	12/01/09	1.0 Elec stim other than wound (G0233-GP)	55.00	13.33	0.00	13.33
12/01/09	Claim Total	\$170.00	\$56.94	\$45.55	\$11.39	12/01/09	1.0 Therapeutic exercises (97110-GP)	60.00	31.00	0.00	31.00
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Claim number 11-09344-017-103 Great Hands Inc, Suite 206, 4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT						Claim number 11-09348-006-423 Great Hands Inc, Suite 206, 4300 Colesville Road, Silver Spring, MD 20918-6266 Referred by: Dr. Chang, Margaret Y., M.D. Lee, Edward P. PT					
12/01/09	1.0 Elec stim other than wound (G0233-GPKX)	\$55.00	\$12.68	\$10.30	\$2.58	12/01/10	1.0 Range of motion measurements (98631-GP)	\$60.00	\$19.16	\$0.00	\$19.16
12/01/09	1.0 Ultrasound therapy (97035-GPKX)	\$5.00	12.70	10.16	2.54	12/01/10	1.0 Hand muscle testing, manual (98331-GP)	60.00	29.21	0.00	29.21
12/01/09	1.0 Manual therapy (97140-GPKX)	70.00	28.91	23.13	5.78	12/01/10	1.0 Therapeutic exercises (97110-GP)	60.00	31.00	0.00	31.00
12/01/09	Claim Total	\$180.00	\$54.49	\$43.59	\$10.90	12/01/10	Claim Total	\$235.00	\$73.56	\$0.00	\$73.56

WHEREFORE, the Plaintiff prays for the following relief against the Defendant for \$449,817.86 plus interest and court cost, medical care, and attorney fees.

DEMAND FOR JURY TRIAL

Respectfully Submitted,

Angelene Hardaway, Pro Se


 113 Hollow Brook Rd
 Windsor, CT 06095

Date: May 3, 2011

(860) 922-9340